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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,099	06/07/2007	Peter Jonathon Legg	361485US8PCT	3430
22850	7590	02/09/2011	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			DOAN, PHUOC HUU	
		ART UNIT	PAPER NUMBER	
		2617		
		NOTIFICATION DATE		DELIVERY MODE
		02/09/2011		ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/584,099	<b>Applicant(s)</b> LEGG ET AL.
	<b>Examiner</b> PHUOC DOAN	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 December 2010.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s)       is/are withdrawn from consideration.  
 5) Claim(s)       is/are allowed.  
 6) Claim(s) 1-10, 12-24 and 26-30 is/are rejected.  
 7) Claim(s) 11 and 15 is/are objected to.  
 8) Claim(s)       are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on       is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No.      .  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-442)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date      

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date      

5) Notice of Informal Patent Application  
 6) Other:

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 12/03/2010 have been fully considered but they are not persuasive.

In response to the Applicant's argues, on pages 8-9, make a note: the claimed limitations "the power control information is derived from the power control applied to the Downlink Shared Channel and applied to the Forward Access Control Channel". Lieshout discloses the same feature as a provided power control information from the power control applied the Downlink Shared Control Channel in order to produce power control on the Forward Access Control Channel based on signal information to determine a FACH power adjustment level, where FACH configured and adjustment for power control in DSCH system of the base station to mobile device 30 (See paragraphs [0045-0047]).

**Claim Rejections - 35 USC § 112**

3. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim(s) 1, 15, the claimed recite “Forward Access Channel (FACH)” was not defined on the original specification. The correction is required in appropriate.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-24, 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lieshout (US Pub No. 2002/0094833).

As to claim 1, 15, Lieshout discloses a method for power control in a communication system employing a Downlink Shared Control Channel (DSCH) and a Forward Access Control Channel (FACH) (par [0030] “provide for power control in DSCH and FACH”), comprising applying power control on the Downlink Shared Control Channel (par [par [0030] “transmission and noise based on the measure of power control on the Downlink Shared Control Channel”); deriving power control information from the power control on the Downlink Shared Control Channel (par [0030, 0043]); and applying to the Forward Access Control Channel the derived power control information from the power control applied the Downlink Shared Control Channel in order to produce power control on the Forward Access Control Channel (par [0045-0047] “power control information from the power control applied the Downlink Shared Control Channel in order to produce power control on the Forward Access Control Channel based on signal information to determine a FACH power adjustment level”).

As to claim 2, 16, Lieshout further discloses the method of claim 1 wherein deriving power control information from the power control on the Downlink Shared Control Channel comprises deriving power control information from a radio network control power control function (par [0030, 0036]).

As to claim 3, 17, Lieshout further discloses the method of claim 1 wherein deriving power control information from the power control on the Downlink Shared Control Channel comprises deriving power control information from a base station power control function (par [0030-0031]).

As to claim 4, 18, Lieshout further discloses the method of claim 1 wherein deriving power control information from the power control on the Downlink Shared Control Channel comprises deriving power control information from transport format combination set selection (par [0030] “dedicated transport channels may be allocated to carry real-time and such transport channels are common or shared channels”).

As to claim 5, 19, Lieshout further discloses the method of claim 1 wherein applying power control information to the Forward Access Control Channel comprises scheduling a plurality of Forward Access Control Channels in dependence on the derived power control information (par [0045-0046]).

As to claim 6, 20, Lieshout further discloses the method of claim 5 wherein scheduling comprises scheduling the plurality of Forward Access Control Channels based on a signal-to-interference difference power cost calculation (par [0043]).

As to claim 7, 21, Lieshout further discloses the method of claim 5 wherein scheduling comprises scheduling the plurality of Forward Access Control Channels based on fixed signal/interference values (par [0043]).

As to claim 8, 22, Lieshout further discloses the method of claim 6 wherein scheduling comprises scheduling the plurality of Forward Access Control Channels based on dynamically updated signal/interference values (par [0043]).

As to claim 9, 23 Lieshout further discloses the method of any one of claim 1 wherein applying power control information to the Forward Access Control Channel comprises queueing and serving of mobile stations with similar power requirements on a same Forward Access Control Channel at the same time (par [0043, 0048]).

As to claim 10, 24, Lieshout further discloses the method of claim 1 wherein applying power control information to the Forward Access Control Channel comprises grouping mobile stations with similar power requirements on a same Forward Access Control Channel (par [0045-0046]).

As to claim 12, 26, Lieshout further discloses the method of claim 1 wherein the system is a time division duplex communication system (par [0027]).

As to claim 13, 27, Lieshout further discloses the method of claim 1 wherein the system comprises a UMTS wireless system (par [0027]).

As to claim 14, 28, Lieshout further discloses the method of claim 1 wherein the system comprises a 3GPP system (par [0010]).

As to claim 29, 30, Lieshout further discloses (par [0028]) "where the wireless network systems provided the power control between base station and mobile devices").

### **Allowable Subject Matter**

5. Claims 11, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event

a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571) 272-7920. The examiner can normally be reached on Mon-Tue, Thu-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/  
Examiner, Art Unit 2617